

Attorney Docket No.: RU-0224
Inventors: Fennell et al.
Serial No.: 10/828,781
Filing Date: April 21, 2004
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REMARKS

Claims 1-8 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1-7, drawn to a process of remediation using *Dehalococcoides ethenogenes*; and

Group II, claim 8, drawn to a kit for enhancing bioremediation comprising a simple halogenated compound.

The Examiner acknowledges that Inventions I and II are related as product and process of use; however, because the product as claimed can be used in a materially different process of using that product such as for process of polymerization as biocides, including insecticides or as solvents, the inventions are distinct. The Examiner acknowledges that were Applicants to elect claims directed to the product, and the product claim were subsequently allowed, withdrawn process claims that depend from or otherwise include all limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.04. Applicants are required to elect one of the Groups to be examined.

Applicants respectfully traverse this restriction requirement. The claims of Group I read on methods for remediation of contaminated material, wherein particular embodiments embrace the introduction of a simple halogenated into

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a contaminated material to enhance the bioremediation process. Applicants submit that a search by the Examiner for the methods of Group I would certainly turn up all related art, if any, including introduction of a simple halogenated into a contaminated material to enhance the bioremediation process. Thus, Applicants respectfully request that the Examiner reconsider the restriction requirement of Groups I and II.

MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

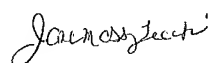
Applicants submit that an examination of the claims as proposed would not impose a serious burden on the Examiner. Indeed, Applicants believe that failure to examine the claims as suggested would pose a far greater burden on the Patent and Trademark Office by requiring a duplication of effort and resources. Therefore, it is respectfully requested that this requirement for species election be reconsidered and withdrawn.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1-7, drawn

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to a process for remediation using *Dehalococcoides ethenogenes*,
classified in Class 435, subclass 262, with traverse.

Respectfully submitted,



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Date: November 28, 2007

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